

John Boehner
Chairman
8th District, Ohio

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

H.J.Res. 97—Making Continuing Appropriations for FY 1998

H.R. 1534—Private Property Rights Implementation Act

H.R. 2247—Amtrak Reform and Privatization Act



H.J. Res. 97—Making Continuing Appropriations for FY 1998

Floor Situation: The House will consider H.J. Res. 97 as its first order of business today. Yesterday, the Rules Committee granted a closed rule providing for one hour of general debate, equally divided between the chairman and ranking minority member of the Appropriations Committee. The rule also provides one motion to recommit.

Summary: H.J. Res. 97 provides temporary funding—beginning October 23, 1997 and lasting until either November 7 or when the relevant appropriations bill is signed into law, whichever comes first—for federal programs for which the president has not signed a regular appropriations bill. The continuing resolution funds ongoing projects at current rates, except for those for which both the president and Congress has proposed reduced funding. It imposes currently existing terms and conditions on funding, prohibits any new projects or initiatives, and restricts high initial year funding distribution to states, foreign countries, or federal grantees. The joint resolution also includes a number of special provisions for the duration of the continuing resolution, such as:

- * extending the fee collection authority for the Securities and Exchange Commission (SEC);
- * extending the authority for several programs such as (1) the machine readable visa fee, (2) the visa waiver pilot program, (3) the Overseas Private Investment Corporation (OPIC), (4) the Export-Import Bank, and (5) the federal flood insurance program;
- * extending section 245(i) of the Immigration and Nationality Act;

- * allowing the District of Columbia to delay loan payments until enactment of the FY 1998 D.C. Appropriations Act; and
- * allowing payment for the administrative costs of the user fee program of the Veterans Administration Medical Care Program.

A CBO cost estimate was unavailable at press time. H.J. Res. 97 was introduced by Mr. Livingston on October 21 and was not considered by the committee.

Views: The Republican Leadership supports passage of the measure. An official Clinton Administration viewpoint was unavailable at press time.



H.R. 1534—Private Property Rights Implementation Act

Floor Situation: The House will consider H.R. 1534 after it completes consideration of H.J. Res. 97. Yesterday, the Rules Committee granted a modified closed rule providing for one hour of general debate, equally divided between the chairman and ranking member of the Judiciary Committee. It makes in order a committee amendment in the nature of a substitute as base text, and self-executes (*i.e.*, incorporates into the base text upon passage of the rule) an amendment by Mr. Coble. The rule makes in order two amendments, debatable in the order listed and for the amount of time specified below. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 1534 clarifies current case law regarding the constitutional taking of private property by a federal or local government entity. The bill states that federal courts may not abstain from considering takings cases involving only Fifth Amendment federal claims. In instances where a state law question must be considered which may affect the outcome of the property takings claim in federal court, the federal court may suspend its final ruling on whether a property was properly taken until a state-level appellate court resolves the state law issue. The bill also addresses the issue of “ripeness” of property takings claims by clarifying a three-step process landowners must undergo before they may pursue a takings claim in federal court, which includes (1) filing and denial of applications, (2) filing a waiver request or an appeal to the denied application, and (3) seeking a remedy through a locally-elected body. A CBO cost estimate was unavailable at press time. The bill was introduced by Mr. Gallegly and ordered reported by the Judiciary Committee by a vote of 18-10 on October 7, 1997.

Views: The Republican Leadership has not taken an official position on the measure. The Clinton Administration opposes passage of the bill.

Amendments: The rule self-executes (*i.e.*, incorporates into the base text upon passage of the rule) the following amendment:

- * an amendment by **Mr. Coble** to ensure that landowners exhaust application and appeal proceedings available through local land use entities before pursuing their claim in federal court. **Contact: x5-3065**

The rule makes in order the following two amendments, debatable in the order listed and for the amount of time specified below:

Mr. Conyers may offer an amendment in the nature of a substitute, debatable for 30 minutes. Details on the amendment were unavailable at press time. *Contact: x5-5126*

Mr. Boehlert may offer a substitute amendment, debatable for 30 minutes, to strike language in the bill which allows a landowner to appeal local land use decisions in federal court. However, it preserves bill language establishing an expedited process for filing suit in federal court over land use disputes with the federal government. The author intends that the substitute will ensure that federal courts do not become involved prematurely in settling land use disputes which are principally local in nature. Opponents contend, however, that the bill should address land use decisions made by local governments. *Staff Contact: David Goldston, x5-3665*

Additional Information: See *Legislative Digest*, Vol. XXVI, #29, October 17, 1997.



H.R. 2247—Amtrak Reform and Privatization Act

Floor Situation: The House will consider H.R. 2247 after it completes consideration of H.R. 1534. Yesterday, the Rules Committee granted a modified closed rule providing one hour of general debate, equally divided between the chairman and ranking minority member of the Transportation Committee. The rule makes in order three amendments, debatable in the order listed and for the amount of time specified below. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, provided that it follows a regular 15-minute vote. Finally, the rule provides for one motion to recommit, with or without instructions.

Summary: H.R. 2247 authorizes \$3.37 billion over FYs 1998-2000 for Amtrak and thoroughly overhauls Amtrak's authorizing statutes. Key provisions of the bill include: (1) allowing Amtrak to readjust its route system to reflect customer demand and usage; (2) replacing the current board of directors with a new reform board which has the authority to recommend plans to Congress to reform Amtrak and consider recommendations to transfer Amtrak's assets and responsibilities to a private corporation; (3) redeeming Amtrak's non-voting common stock and voting preferred stock and allowing the new reform board to create a new capital structure and stock offering, including an Employee Stock Ownership Plan; (4) creating a Temporary Rail Advisory Council of business experts to evaluate Amtrak's performance and business plan as well as recommend actions to reduce Amtrak's federal subsidies; (5) establishing an accelerated bargaining process on the issues of labor protection and contracting out for work; and (6) setting limits on the tort liability of freight and passenger carriers who operate or provide facilities for rail passenger service in rail passenger accidents. CBO estimates that enactment will result in outlays of \$389 million in FY 1998, \$167 million in FY 1999, \$579 million in FY 2000, \$469 million in FY 2001, and \$75 million in FY 2002. The bill was introduced by Ms. Molinari and was reported by the Transportation Committee by a vote of 36-30.

Views: The Republican leadership supports passage of the measure. An official Clinton Administration viewpoint was unavailable at press time.

Amendments: The rule makes in order the following three amendments, debatable in the order listed and for the amount of time specified below:

Mr. LaTourette and Mr. Traficant will offer an amendment, debatable for 20 minutes, to reinstate current law regarding the issues of contracting out and labor protection. This allows the labor and management to collectively bargain on the issues. Once an agreement is reached, this agreement will be binding on the parties. If there is no agreement, the amendment allows the issues to be presented to a Presidential Emergency Board. Currently, the bill establishes an accelerated bargaining process on the issues of labor protection and contracting out for work. *Staff Contact: Mike Riith (LaTourette), x5-5731; Paul Marcone (Traficant), x5-5261*

Mr. Quinn will offer an amendment, debatable for 20 minutes, to state explicitly that the labor reform provisions of the bill apply only to Amtrak and not to freight and transit employees. This prevents any misinterpretation of the bill in the future by the Surface Transportation Board which could adversely affect freight and transit employees. *Staff Contact: Mike Pietkiewicz, x5-3306*

Mr. Oberstar will offer an amendment in the nature of a substitute, debatable for 30 minutes. Details on the amendment were unavailable at press time. *Staff Contact: Sante Esposito, x5-4472*

Additional Information: See *Legislative Digest*, Vol. XXVI, #29, October 17, 1997.



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